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DIAMOND DRILL ENTERS PORPHYRY

Change in Formation is Discovered at 2200 Feet in Mizpah Shaft

HUGHES NAMED TO SUCCEED BREWER AS JUSTICE

By Associated Press.
WASHINGTON, April 25.—President Taft today received from Governor Hughes of New York a letter accepting the tendered appointment of associate justice of the supreme court of the United States. Five minutes after the letter was handed the president the nomination of Hughes was on the way to the senate. That body had adjourned for the day when the papers reached the capitol. So the senate will not hear officially of the designation that Hughes will succeed the late David Brewer until tomorrow.

It is understood he is to remain the chief executive of New York until October and will not take the oath of office until the fall term of court opens.

HETTY GREEN TO RETIRE.
NEW YORK, April 25.—Hetty

Barren Zone of Rhyolite is Pierced by the Drill Which Was Started at 1500 Foot Level, and Driven 700 Feet.

Green is planning, it is said today, to retire from active business. She is now 74 years old. Her daughters, Mrs. Matthew Astor Wilkes, probably will assume direction of Mrs. Green's affairs.

MISSING MILLIONAIRE FOUND.

By Associated Press.
ANN ARBOR, April 25.—Norman P. Cummings, millionaire real estate owner of Chicago and California, who mysteriously disappeared from Chicago Wednesday with a large amount of cash and several thousand dollars worth of jewelry on his person, was located at a local hotel where he has been staying since the middle of last week. Cummings says he came to Ann Arbor to visit his mother. He says he left Chicago on the spur of the moment, but he had communicated with his wife and she will join him here and the two will then leave for California.

President Austin Who Arrived Sunday From Philadelphia, Confirms Report—Is Here on a Tour of Inspection.

"The formation passed through by the diamond drill, that is being sent down from the 1,500-foot level of the Mizpah shaft has recently changed," said President J. S. Austin yesterday in discussing the cause of the strength of the Tonopah Mining stock. Mr. Austin, in company with Director Samuel Bell Jr., and former general manager, Frank A. Keith, arrived Sunday evening from Philadelphia, for a brief stay, and inspection of the property. In discussing the reported strike as made by the diamond drill, he said: "While the change, which is from rhyolite into porphyry, cannot be termed as a strike, it is highly flattering, for it demonstrates that the barren zone does not exist with depth. The porphyry was found at a depth of 2,200 feet and we will have the drill sent down as far as it goes in order to find out, if possible, the extent of this porphyry strata.

"Practically the same discovery was made by the drill when it was in operation from the 770-foot level of the Silver Top shaft. We do not expect to encounter any ledges and the chances of doing so are rather slim, but the main purpose is just to explore the formation.

"The information we receive will prove equally valuable to the other mines in this district as it demonstrates that the rhyolite formation, which we encountered along

the 1,000-foot level, is not a permanent factor in the formation.

"Another reason I can give for the advance in the stock is the splendid condition of the mine. Our ore reserves is greater by nearly 50,000 tons than the report of last year. Valuing this tonnage at the rate of \$20 per ton, this gives us an additional total of \$1,000,000 above the total as submitted in the report of 1909. Then again the advance in the silver quotations mean additional revenue to the profits of the company."

Director Bell, who is making his first visit to Tonopah, although he has been identified with the company for some time, expressed himself as being highly pleased with the condition of the property. Both gentlemen, under the guidance of Superintendent Blackburn, spent several hours last night going through the different workings and examining the numerous ledges exposed. A trip was also made to the deepest point where the diamond drill was being operated. On the return of the party to the surface, all were jubilant, and according to Mr. Bell, "It was a sight he wouldn't have missed for the world." Frank Keith was also one of the party who descended the mine.

The three visitors will depart tomorrow for their homes, Messrs. Austin and Bell for Philadelphia, and Mr. Keith for Los Angeles.

TAFT PAID A BIG COMPLIMENT BY CARNEGIE

By Associated Press.
WASHINGTON, April 25.—Andrew Carnegie, addressing the members and guests of the National Press club tonight declared Taft was one of the greatest presidents this country ever had and for his efforts in the work of peace the country would grant him a high place in its history. He commended the Payne-Aldrich tariff as the best tariff law ever enacted.

OIL IN NEW MEXICO.

By Associated Press.
EL PASO, Tex., April 25.—Oil was discovered in New Mexico, 10 miles south of Alamogordo and eight miles north of El Paso today.

The country is wild with excitement and fully 5,000 acres has already been filed upon. A well for artesian water was being sunk when the drill became stuck at a depth of 1,300 feet. When the drillers went to work today they found water and oil oozing over the top of the casing.

MAN KILLER DIES OF WOUNDS

By Associated Press.
ELGIN, Kan., April 25.—Eugene Hayes, a wealthy cattleman, well known in the southwest, died today of wounds received on April 9, when he was shot by Amos Hayes, near Pawhuska, Okla. Eugene Hayes was under indictment in Kansas City for killing his business partner, Edward Hays, a half brother of Amos Hayes. Eugene Hayes was not related to the other two.

CONVICTS KILLED WHEN THEY ATTEMPT ESCAPE

By Associated Press.
CANON CITY, Colo. April 25.—Two convicts were killed and two others and a guard wounded in an attempt of the prisoners to escape from the state penitentiary here tonight.

HYDE ATTEMPTED TO POISON THE SISTER OF HIS WIFE

Witness Testifies That Accused Physician Injected Germ Puss in Her Arm While Ill With Typhoid.

By Associated Press.
KANSAS CITY, April 25.—Sister battled against sister at the Hyde trial today. From the witness stand Miss Margaret Swope, whom it is the charge in three of the counts in the indictment, that Hyde attempted to poison, testified for the state. She told a straightforward, though somewhat stilted story of her illness and the typhoid epidemic in the Swope home. Behind Hyde's attorneys sat Miss Swope's sister, Mrs. Hyde, directing the fight on her sister's testimony.

The best feature of her testimony was the story of how Hyde came to her room while the lights were burning low one night and in the semi-darkness administered a

hypodermic. The physician walked into her room, announced he would give her a hypodermic, rolled up her sleeve, inserted the needle, and left, she said. Twyman was in charge of the case at that time. The arm has since become sore. The state contends the injection was pus germs and not camphorated oil as Hyde claims.

Miss Elizabeth Gordon, a nurse, testified once while Hyde was giving Chrisman a hypodermic he filled the syringe with water used in giving the patient a bath. O. H. Gentry, a druggist at Independence, who sold strychnine tonic to Hunton, which was used by Colonel Swope, testified in the morning that the tonic was harmless.

Sugar Trust is Under Investigation in California

By Associated Press.
SAN FRANCISCO, April 25.—That the sugar investigation instituted by the government in the east some time ago, is about to be taken up in San Francisco, was indicated today when the representatives of four of the biggest sugar concerns in this city and Honolulu were summoned to appear before the federal grand jury now in session. It was further confirmed by Assistant Attorney General James Knapp, of Washington, who, when asked whether the purpose of his presence in San Francisco was not in connection of such inquiry, said: "Yes, I am out here looking to the

sugar industry." How far-reaching the inquiry may be Knapp refused to say. R. P. Rithet, president of Welch and company, George M. Rolph, general manager of the California and Hawaiian Sugar Refining company, a corporation allied with Welch and company, A. A. Brown, president of A. A. Brown and company, and Wallace M. Alexander, vice president of the Alexander Baldwin Limited, will be the first to appear before the federal grand jury. Rolph and Rithet were the only witnesses examined but what they were called upon to testify they declined to divulge.

REAL BIRDS WILL BE SHOWN AT THE BUTLER

INTERESTING FILMS SHOWS A LARGE VARIETY OF BIRDS IN NATIVE HAUNTS.

The program at the Butler theater is one of unusual interest tonight. There is a very fine picture of wild birds. The picture shows various kinds of birds in their natural environments, and in their natural colors, and at such close range that the very eyes of the little fledglings in the nest are discerned. Every feather seems distinct and the birds seem to be in such relief that appears as though one could almost reach out and catch them. An Edison drama, Frankenstein; "A Willful Dame," a comedy picture; "The Horseshoe," and "For the King," two pretty dramas, and two illustrated songs make up a program well worth seeing. The price, as usual, is 10 cents.

By Associated Press.
WASHINGTON, April 25.—The senate today confirmed the nomination of Robert T. Devlin to succeed himself as United States attorney for the northern district of California.

WILL SPEND THE NEXT MONTH IN THE EAST

Attorney W. B. Pittman and wife and William junior leave this morning, the former for the east where he will remain about a month, while Mrs. Pittman and child will go to Sacramento where they will spend the summer months. During his absence Mr. Pittman's law practice will be looked after by his brother, Frank Pittman.

In speaking of his candidacy for the nomination of attorney general on the democratic ticket, Mr. Pittman stated last evening that as soon as he returned from his trip, he would start an active campaign for the desired office. It was his intention to make an early start doing politics, but owing to the importance of the trip, which could not be postponed, he was forced to deter campaigning the state for the time being.

His many friends will see that his interests are looked after during his absence and will have everything arranged so that he can step into the ring with a minute's notice, immediately after his return.

HIGH TRIBUTES PAID ROOSEVELT BY FRENCH OFFICIALS

By Associated Press.
PARIS, April 25.—As a guest of the city of Paris Roosevelt today was received by the city fathers in Hotel Re Ville and was the subject of many glowing tributes by the prominent officials of the municipality. After an inspection of the building Roosevelt had luncheon with Premier Briand and two hundred others. From the museum the colonel visited the Notre Dame cathedral. At the opera tonight Roosevelt witnessed a repetition of the ovation received at the Comedie Francaise Thursday night.

SHERMAN MAKES DEFENSE OF PAYNE TARIFF LAW

By Associated Press.
ST. LOUIS, Mo., April 25.—A striking defense of the Payne tariff law as a great blessing to the American industries was presented tonight by Vice President Sherman in his address before the Citizens' Industrial association. The new law, has worked wonders already, declared Sherman. Sherman said he favored even a higher protective tariff and urged the citizens to seriously consider the situation, not as partisans, but as business men and to give the Payne law a fair trial before condemning. Former Congressman J. A. Watson of Indiana

PANEL FOR NEXT GRAND JURY IS SELECTED

A panel of twenty-four names was drawn yesterday afternoon by Judge Averill of the district court and County Commissioner Cuddy, and placed in the box, from which seventeen names will be drawn on May 9 to constitute the grand jury. The names of the panel as drawn are as follows:

Ralph Wardle, M. G. Orr, Nick Kosich, P. S. Booth, Pete Petroni, Robert L. Prouty, Eugene Howell, Carl Drossell, T. J. McMahon, William Hunter, W. J. Stock, J. P. Brissell, John Clendenning, Joseph E. Norris, A. L. Warren, W. I. Bray, Russell Williams, J. C. Peck, Leon Kind, John Hausen, Alex C. Smith, E. G. Osborne, all of Tonopah; J. B. Giffen of Manhattan and E. E. Palmer of Beatty.

bitterly criticised certain members of the insurgents in the attack on demagogues, mentioning no names but veiling the objects of his attack so their identity can easily be discerned.

BAD CHECK ARTIST PLACED UNDER ARREST

SEVERAL LOCAL MERCHANTS FALL VICTIMS TO THE SMOOTH TALK.

Ed White, who spent last week hanging around Tonopah, departed for Goldfield Sunday by auto, but returned last evening by train in custody of an officer that had been sent to the southern city at the order of Chief of Police Ed Malley. White, it appears, spent his time while here in cashing bogus checks drawn on the Nevada First National bank. Just what the sum of his profits amounted to is unknown, but so far a number of local merchants have reported losses of various sums, the largest being \$25. The matter was reported to the police yesterday morning and Chief Malley immediately telephoned to the officials at Goldfield, who shortly placed White under arrest. White will have his hearing in the justice court this morning, and from what can be learned there is a pretty strong case against him.